

**AUG 01 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

PEDRO JIMINEZ PENALOZA; MARIA  
DE JESUS JIMENEZ PENALOZA,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 05-71346

Agency Nos. A79-533-518  
A79-533-519

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 24, 2006\*\*

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Pedro Jiminez Penaloza and his wife Maria de Jesus Jimenez Penaloza,  
natives and citizens of Mexico, petition for review of an order of the Board of

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\* This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

Immigration Appeals affirming without opinion an immigration judge's order denying their applications for cancellation of removal. We dismiss the petition for review.

The petitioners' contention that the agency violated their due process rights by disregarding their evidence of hardship, including a psychological evaluation, is not supported by the record and does not amount to a colorable constitutional claim. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005) (“[t]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction.”).

**PETITION FOR REVIEW DISMISSED.**